

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WILLIAM BROWN,

Plaintiff,

v.

CASE NO. 06-3183-SAC

PITTSBURG KANSAS POLICE
DEPARTMENT, et al.,

Defendants.

O R D E R

Plaintiff, a prisoner confined in the Crawford County Jail in Girard, Kansas, proceeds pro se and in forma pauperis on an amended complaint which the court has liberally construed as seeking relief under 42 U.S.C. § 1983 for the alleged violation of plaintiff's constitutional rights.

Plaintiff seeks damages on a claim that he was subjected to the use of excessive force by Officer Gordon Gray during plaintiff's arrest in March 2005 when Officer Gray struck plaintiff in the head with his fist. By an order dated November 21, 2006, the court dismissed without prejudice the Pittsburg Police Department as a defendant, and dismissed any claim for damages based on plaintiff's allegations of being "unarrested" and held responsible for the cost of medical treatment. The court directed plaintiff to supplement the record with information regarding Officer Gray's location or address for the purpose of facilitating service of court prepared summons or waiver of service of summons

forms to this defendant. Plaintiff filed no response.

By an order dated December 20, 2006, the court directed plaintiff to show cause why the amended complaint should not be dismissed without prejudice, based upon the absence of any information for effecting service of process to the sole remaining defendant named in the amended complaint. Plaintiff again filed no response.

The court thus concludes this matter should be dismissed without prejudice. Plaintiff is again reminded that a two year limitations period applies to actions seeking relief under 42 U.S.C. § 1983. See Baker v. Board of Regents of State of Kan., 991 F.2d 628, 630-31 (10th Cir. 1993)(two-year statute of limitations applies to civil rights actions brought pursuant to 42 U.S.C. § 1983).

IT IS THEREFORE ORDERED that the complaint is dismissed without prejudice.

IT IS SO ORDERED.

DATED: This 19th day of January 2007 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge